Remarks

Reexamination and reconsideration of this application, as amended, is requested. Claims 13 and 14 have been amended and claims 1 -12 and 15 – 30 remain in the application as originally filed.

Response to the - 35 USC § 112

Claims 13 and 14 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated that version number and/or date of the version must be indicated in the specification for all named standards, as standards such as Bluetooth are subject to revision and a patent cannot be dynamic in nature.

Applicant has amended claims 13 and 14 to include the following: "adopted prior to November 12, 1999," and "of standards adopted prior to November 12, 1999,"

Applicant submits that the addition of this language removes any dynamics as it is intended to cover any standards adopted prior to November 12, 1999, the filing date of the present application. Although these two claims limit the standards to those previously adopted specifically for claims 13 and 14, it is understood that the present invention as claimed in other claims is not limited in this respect. For example, the term protocol as used in claim 1 is not intended to be limited to any particular standard adopted at any particular time, but rather is any protocol now known or later developed. Thus, Applicant submits that this rejection has been traversed.

Response to the Obviousness-Type Double Patenting Rejections

Claims 1 - 3 and 6 were are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 and 6 of U.S. Patent No. 6,600,726 and dependent claims 2-3 and 6 of the application were argued to be identical or substantially identical to claims 2-3 and 6 of the patent.

Claim 4 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2 of U.S. Patent No. 6,600,726. Claim 5 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 6,600,726.

Claims 7-9 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 7 of U.S. Patent No. 6,600,726.

Claims 10 and 11 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5 of U.S. Patent No. 6,600,726. Claim 12 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9 of U.S. Patent No. 6,600,726 and the Examiner stated that claim 13 adds the same further limitations regarding preemptive notification of interference.

Claim 13 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9 of U.S. Patent No. 6,600,726.

Claim 14 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9 of U.S. Patent No. 6,600,726.

Claim 15 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 16 of U.S. Patent No. 6,600,726.

Claim 16 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 17 of U.S. Patent No. 6,600,726.

Claim 17 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 18 of U.S. Patent No. 6,600,726.

Claim 18 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 17 of U.S. Patent No. 6,600,726.

Claim 19 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 18 of U.S. Patent No. 6,600,726.

Claim 20 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 20 of U.S. Patent No. 6,600,726. Claim 21 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 22 of U.S. Patent No. 6,600,726. Claim 22 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 22 of U.S. Patent No. 6,600,726. Claim 23 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 21 of U.S. Patent No. 6,600,726.

Claim 24 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 20 of U.S. Patent No. 6,600,726.

Claim 25 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 20 of U.S. Patent No. 6,600,726. Claim 26 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 20 of U.S. Patent No. 6,600,726.

Claim 27 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 18 of U.S. Patent No. 6,600,726. Claim 28 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 18 of U.S. Patent No. 6,600,726. Claim 29 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 20 of U.S. Patent No. 6,600,726. Claim 30 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 21 of U.S. Patent No. 6,600,726.

In response to the above mentioned obviousness-type double patenting rejections, Applicant submits with this response a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c).

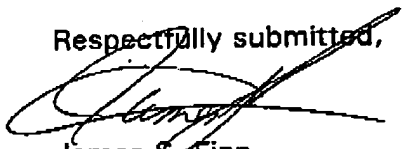
Conclusion

Applicant believes that the foregoing is a full and complete response to the Office Action mailed 24 May 2004, and it is submitted that claims 1 – 30 are in condition for allowance.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #50-0221.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (202) 607-4607 is respectfully solicited.

Respectfully submitted,



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Dated: August 24, 2004

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